Government of Kerala
1984

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIX] Trivandrum, Saturday, 16th June 1984 / 26th Jyaistha 1906 [No. 492

GOVERNMENT OF KERALA

Vigilance (C) Department

NOTIFICATION

G.O.(P) No. 10/84/Vig. *Dated, Trivandrum, 13th June,* 1984.

S. R. O. No. 632/84.—In Exercise of the powers conferred by sub-section (4) of Section 10 of the Kerala Public Men (Prevention of Corruption) Act, 1983 (6 of 1984) the Governor of Kerala, in consultation with the Commission, hereby make the following rules, namely:—

RULES

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Public Men (Prevention of Corruption) Procedure for Preliminary Investigation of Petitions Rules, 1984.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires:—

(a) "Act" means the Kerala Public Men (Prevention of Corruption) Act, 1983 (6 of 1984);

(b) "Civil Rules of Practice" means the Civil Rules of Practice for the time being in force to regulate the procedure and practice in the subordinate Civil Courts in the State;

(c) "Criminal Rules of Practice" means the Criminal Rules of Practice, for the time being in force to regulate the procedure and practice in the subordinate criminal courts in the State;

(d) "Petition" means a petition presented to the Commission under section 8;

(e) "Secretary" means the Secretary to the Commission appointed under section 7;

(f) "Section" means a Section of the Act;

(g) "Form" means a Form appended to these rules.

(2) Words and expressions used but not defined in these rules and defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER II

Preliminary action on receipt of complaint, etc.

3. *Registering of Petitions.*—On receipt of a petition, the Secretary (hereinafter in this Chapter referred to as the "registering authority") shall scrutinise it and if he is satisfied that the petition is in accordance with the provisions of the Act and the rules made thereunder, he shall direct the petition to be registered in a register maintained for that purpose.

4. *Defects in Petition.*—If the registering authority finds that the petition is not according to the Act or the rules or is otherwise defective, he shall postpone the registration of the petition and inform the petitioner in Form A to rectify the defects within a specified time and after such compliance he shall direct the petition to be registered.

5. *Effect of non-compliance.*—If the necessary requirements are no complied with within the time specified under rule 4 or such further time as the registering authority may allow, the petition shall be placed before the Commission and the Commission may summarily reject such petition or pass such other order as it deems fit in the circumstances of the case.

6. *Acknowledgement of petition.*—After any petition is registered, the registering authority or any other officer of the Commission empowered in that behalf by the registering authority, shall send to the petitioner an acknowledgement in Form B informing him that his petition has been registered and giving him the number of the petition.

Chapter III

General

7. *Investigation and Procedure.*—(1) On the registering of a petition under Chapter II, the Secretary shall without delay place the case before the Commission to fix a date of hearing. On the date of hearing being fixed, the Secretary shall send an intimation thereof in Form C to the petitioner and to the Public man hereinafter called the respondent by registered post with acknowledgement due. Along with the notice of hearing issued to the respondent, a copy of the petition shall also be sent.

(2) The notice shall call upon the parties to appear either in person or through counsel before the Commission.

(3) Whenever any petition is opposed, the grounds of opposition shall be reduced to writing and filed before the Commission in duplicate on the first date of hearing or any other date to which the petition may be adjourned for the purpose.

8. *Adjournment and advancement of hearing.*—(1) If there is no sitting of the Commission on the date fixed for hearing or if that day happens to be a holiday, the petition posted to that day shall be adjourned to a definite date by the Commission on the next working day and the adjourned date shall be notified in the notice board of the Commission over the signature of the Secretary.

(2) The Commission may at any stage either suo motu or on the application of any party adjourn the hearing of any petition to a definite date.

(3) Every adjournment granted at a sitting shall be announced forthwith and any adjournment otherwise granted by the Commission shall be notified in the notice board of the Commission over the signature of the Secretary.

(4) The date fixed for hearing may be advanced by the Commission, either suo motu or on the application of any party. Notice of such application shall be given to the opposite party before it is heard and if the hearing is advanced to any date, that date shall be announced at the sitting.

9. *Hearing.*—(1) Where on the date fixed for hearing or on any other date to which the hearing may be adjourned, any party does not appear when the petition is called on for hearing, the Commission may dispose of the petition ex-parte.

(2) On the date fixed for hearing or on any other date to which the hearing may be adjourned, the petitioner shall ordinarily be heard first in support of the petition. The respondent, if necessary, shall be heard next and in such a case the party first heard shall be entitled to reply.

10. *Restoration.*—(1) Where a petition is disposed of ex-parte, any absentee party, if aggrieved may apply to the Commission, with notice to the opposite party, within 30 days from the date of the order for restoring such petition to the file and, where it is shown to the satisfaction of the Commission that the party was prevented by sufficient cause from appearing when the petition was called on for hearing on the previous occasion, the Commission shall restore the same and proceed with it.

(2) The provisions of Section 5 of the Limitation Act, 1983, (Central Act 36 of 1963) shall be applicable to such applications.

11. *Order of the Commission.*—(1) After the preliminary investigation and hearing of every petition, the Commission shall pass an order recording its finding whether immediately or on some subsequent date, of which notice shall be given to the parties.

(2) Every order shall be dated and signed by the Chairman and Members of the Commission. If the Chairman or a Member dissents, he shall record his opinion and order, separately.

(3) Every order of the Commission shall be in writing and shall bear the seal of the Commission.

12. *Extension of time.*—Except as otherwise expressly provided in the Act or in these rules, where any period is fixed or granted by the Commission for the doing of any act, the Commission may, in its discretion, from time to time extend such period, even though the period originally fixed or granted might have expired.

Chapter IV

Miscellaneous

13. *Documents produced before the Commission.*—All documents produced before the Commission for hearing of any petition shall be got back from the Secretary, on application by the party who produced them within three months from the date of final order of the Commission on the petition and if not so taken back within the specified time, the Commission shall not be responsible for any loss of, or damage to the documents.

14. *Safe Custody of Document, etc.*—If any party to the investigation files a document or documents in his support or if any file or document is called for by the Commission and if the Commission considers it necessary in the interests of its or their safety it may specially direct the Secretary to take the document or documents in his charge and safe custody, subject to further orders in that behalf.

15. *Examination and cross examination of witnesses.*—(1) Subject to such direction as may be given by the Commission during the course of hearing, each party may examine himself and his witnesses and cross-examine the opposite party and the witnesses examined by that party:

Provided that, if any cross-examination is irrelevant or is unduly lengthy or is otherwise improper, the Commission may disallow the whole or any part of it.

(2) The Commission may, suo motu summon any person as witness or require any person to produce or cause production of any document before the Commission.

16. *Administering Oath and recording of evidence.*—(1) The Commission or an Officer empowered by it may administer oath to every person examined during any investigation under the Act.

(2) The Commission may cause the recording of the evidence given by each person examined by it.

17. *Interpreters.*—(1) The Commission may in special cases appoint an interpreter or interpreters, who shall be paid remuneration at such rate as may be fixed by the Commission.

(2) The interpreter shall take oath in the following form:

"I do swear in the name of God/solemnly affirm that I will truly interpret all questions put to and evidence given by witnesses and translate correctly and accurately all documeats given to me for translation.

18. *Witness Summons and Process.*—If either party wants any witness to be summoned he shall pay process fee, Travelling allowances and Daily allowance at the rates prescribed in the Civil Rules of Practice.

19. *Witness summons.*—Save as otherwise provided or in the absence of any other specific order in that behalf, summons to witness may be in Form D.

20. *Residuary Provision.*—Save as otherwise provided by the Act and these Rules wherever necessary the provision of the Criminal Rules of Practice for the time being in force shall mutatis mutandis apply.

By order of the Governor,

N. Kaleeswaran,
Commissioner & Secretary to Government.

Explanatory Note

(This note is not part of the notification but is intended to indicate its general purport).

According to Sub Section (1) of Section 8 of the Kerala Public Men (Prevention of Corruption) Act, 1983 any person other than a public servant or a Service Association or a Trade Union man present a petition to the Commission requesting that any allegation of corruption against any public man specified in such petition may be investigated under this Act. Under Sub Section (4) of Section 10 of the Act the procedure for conducting any such investigation has to be prescribed.

The notification is intended to achieve this object.

FORM A

(*See* Rule 4)

In the office of the Kerala Public Men (Prevention of Corruption) Commission.

(Give name and address of petitioner)

Your petition dated...addressed to the Commission is received in this office on.......................

Your petition is defective on account of the following defects. It will not be registered unless these defects are rectified. They should be rectified on or before...

Date:

Secretary to the Commission.

FORM B

(*See* Rule 6)

In the office of the Kerala Public Men (Prevention of Corruption) Commission.

(Give name and address of petitioner)

Your petition dated...addressed to the Commission is received in this office on.......................

It is registered as Petition No...............of 19................ In all further proceedings this number should be invariably mentioned.

Date:

Secretary to the Commission.

FORM C

[*See* Rule 7 (1)]

NOTICE

In the office of the Kerala Public Men (Prevention of Corruption) Commission.

Petition No.......................... of 19..................

Between

Name and surname Petitioner

And

Name and surname Respondent

To the abovesaid Petitioner/Respondent.

Take notice that the..................day of............19........ has been fixed by the Commission for the hearing of the above said petition.

If no appearance is made on the above date or on any other date to which the hearing may be adjourned on your behalf by yourself or your counsel it will be heard and decided in your absence.

Given under my hand and seal of the office on..............

By order,

Secretary to the Commission.

FORM D

(*See* Rule 19)

In the office of the Kerala Public Men (Prevention of Corruption) Commission.

Petition No.......................... of...............

To

Whereas your attendance is required as a witness before the Commission on behalf of.......................................in the above petition you are hereby required to appear personally before the Commission on the .... at .... and to bring with you the following documents or cause the same to be produced.

A sum of Rs.........................being your travelling allowance, other expenses and subsistence allowance for one day is deposited in this office and will be paid to you after your appearance here. If you fail to comply with this order without lawful excuse, you will be subjected to consequences of non-attendance as laid down in rule 12, Order XVI in the First Schedule to the Code of Civil Procedure 1908.

Given under my hand and seal of the office.

Dated:

Secretary to the Commission.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984.

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GOVERNMENT OF KERALA

Revenue (Legislation) Department

NOTIFICATION

G. O. Ms. No. 607/84/RD. *Dated, Trivandrum, 16th June, 1984.*

S. R. O. No. 633/84.—In exercise of the powers conferred by section 100A of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendments to their Notification No. G.O. Ms. 245/84/RD dated the 15th March, 1984, published as S.R.O. No. 252/84 in the Kerala Gazette Extraordinary No. 209 dated the 15th March, 1984, namely:—

AMENDMENTS

In the Schedule to the said Notification,—

(1) Before the heading "CANNANORE DISTRICT" the following heading and the entries there-under shall be inserted, namely:—

"KASARGOD DISTRICT

1. Kasargod Taluk — Revenue Divisional Officer, Kasargod — Chairman

1. Sri Abraham Poranganal, Sankarampadi P. O., Banthaduka via, Chengala. — Member

33/2255/MC.

	2.	Sri M. P. Krishnan Nair, Bovikanam, Muliyar P. O., Kasargod.	Member
	3.	Sri V. Narayanan, CPI (M) Office, Kasargod.	Member
	4.	Sri K. A. Abdul Khader, Advocate, Thayalangady, Kasargod.	Member
2. Hosdurg Taluk		Revenue Divisional Officer, Kasargod.	Chairman
	1.	Sri E. Raghavan Nair, Advocate, Kanhangad.	Member
	2.	Sri Appu, CPI (M) Cheemeni, Local Committee Office, Kayyur P. O., via. Cheruvathoor.	Member
	3.	Sri Jacob Kanattu, Chittarikal P. O., via Neeleswaram.	Member
	4.	Sri A. Krishnan, Makakottu House, Ravaneswaram P. O., via. Kanhangad.	Member
	5.	Sri M. Kunhi Moideen Haji, Universal Travel Agency, Kottacherry, Kanhangad.	Member";

(2) Under the heading "CANNANORE DISTRICT",—

(a) the entries 1 and 2 in column (1) and the entries against them in column (2) shall be omitted;

(b) in column (2), against the entry "3. Taliparamba" in column (1) after item 4, the following item shall be inserted, namely:—

"5. Sri Punnakkal Mustaffa, Merchant, Taliparamba. Member";

(c) in column (2), against the entry "4. Cannanore" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri K. Kunhimamu Master, Kaddankode P. O., Varam. Member";

(d) in column (2), against the entry "5. Tellicherry" in column (1), after item 5, the following item shall be inserted, namely:—

"6. Sri. C. O. Kunhalikutty Keyi, Thiruvangad, Tellicherry. Member";

(3) Under the heading "WYNAD DISTRICT",—

(a) in column (2), against the entry "6. Mananthavady" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri K. M. C. Mammu Haji,
P. O. Vellamunda, North Wynad. Member";

(b) in column (2), against the entry "7. Sultan's Battery" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri K. Ali,
Planter, P. O. Sultan's Battery. Member";

(c) in column (2), against the entry "8. Vythiri" in column (1), after item 5, the following item shall be inserted, namely:—

"6. Sri K. P. Aboobacker,
Pullampi Veedu,
P.O. Mundakkutty, Wynad. Member";

(4) Under the heading "KOZHIKODE DISTRICT",—

(a) in column (2), against the entry "9. Kozhikode Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri E. K. Unnimoyin,
P. O. Omassery, Quilandy. Member";

(b) in column (2), against the entry "10. Badagara Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri P. M. Aboobacker Master,
Member, Maniyoor Panchayat,
P. O. Pathiyakara via. Badagara. Member";

(c) in column (2), against the entry "11. Quilandy Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri Kattodi Kunhabdulla,
P. O. Melady, Badagara. Member";

(5) Under the heading "MALAPPURAM DISTRICT",—

(a) in column (2), against the entry "12. Ernad Taluk" in column (1) after item 4, the following item shall be inserted, namely:—

"5. Sri K. Hamsa,
Kalathingal House,
P. O. Vazhikadavu. Member";

(b) in column (2), against the entry "13. Tirur Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri N. Mohammed Master,
P. O. B. P. Angadi, Tirur. Member";

(c) in column (2), against the entry "14. Ponnani Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri C. Mohammed Sharief,
P. O. Perumpadappu. Member";

(d) in column (2), against the entry "15. Perinthalmanna Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri N. Soopy, M. L. A.,
P. O. Thazhekkode,
Perinthalmanna. Member";

(6) Under the heading "PALGHAT DISTRICT",—

(a) in column (2), against the entry "16. Mannarghat Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri P. Abdul Majeed,
Kunthipuzha,
Kalladi College P. O., Mannarghat. Member";

(b) in column (2), against the entry "17. Ottappalam Taluk" in Column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri T. Syedhatty Sahib,
Krishna Photo Beedi Co.,
Ottappalam. Member";

(c) in column (2), against the entry "18. Palghat Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri M. M. Hameed,
Mercy College Road,
Kallikadu, Palghat. Member";

(d) in column (2), against the entry "19. Chittur Taluk" in column (1), after item 5, the following item shall be inserted, namely:—

"6. N. J. Noormohammed,
Nandankizhaya, Anamari,
Kollengode Block, Chittur. Member";

(e) in column (2), against the entry "20. Alathur Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri M. A. Noormohammed,
Court Road P. O., Alathur. Member";

(7) Under the heading "TRICHUR DISTRICT" in column (2), against the entry "22. Chavakkad Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri P. V. Moideen,
P. O. Kadappram, via. Chavakkad. Member";

(8) Under the heading "ERNAKULAM DISTRICT",—

(a) in column (2), against the entry "26. Alwaye Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri K. K. Mohammed, Secretary,
Alwaye Mandalam League Committee,
Pallilangara, Kalamasserry. Member";

(b) in column (2), against the entry "31. Cochin Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri P. H. Pareed,
President,
Mattancherry Mandalam Muslim League
Committee, Panayappally, Cochin. Member";

(9) Under the heading "IDUKKI DISTRICT" in column (2), against the entry "36. Thodupuzha Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri A. M. Mohammed Kunju Lebba,
Ayapurackal, Karikode,
Thodupuzha. Member";

(10) Under the heading "ALLEPPEY DISTRICT" in column (2), against the entry "40. Karthikappally Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri M. Usman Kutty,
Undervallil, Panoor,
Pallana P.O., Thrikkunnapuzha. Member";

(11) Under the heading "KOTTAYAM DISTRICT",—

(a) in column (2), against the entry "46. Meenachil Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri K. M. Kochuthampi Rawther,
Kallupurackal House, Endayar,
Kottayam. Member";

(b) in column (2), against the entry "47. Kanjirappally Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri Haji P. H. Abdulsalam,
Puthen Veedu, Erumely P.O. Member";

(12) Under the heading "QUILON DISTRICT" in column (2), against the entry "57. Quilon Taluk" in column (1), after item 4, the following item shall be inserted, namely:—

"5. Sri Mohammed Yahiya,
Modern Marketing Enterprises,
Paikkada Road, Quilon. Member";

(13) Under the heading "TRIVANDRUM DISTRICT" in column (2), against the entry "59. Trivandrum Taluk" in column (1), after item 3, the following item shall be inserted, namely:—

"4. Sri K. H. M. Muneer,
Kayalarikath Veedu,
Pallippuram P.O., Kaniyapuram. Member";

By order of the Governor,

N. M. SAMUEL,
Deputy Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In G.O. MS. No. 245/84/RD. dated 15th March 1984 published as S.R.O. No. 252/84 in the Kerala Gazette Extraordinary No. 209 dated 15th March 1984 Government of Kerala have reconstituted the Taluk Land Boards for a period of three years from 16th March 1984. The Government have now decided to appoint some more members in certain Taluk Land Boards in the Districts of Kasaragod, Cannanore, Wynad, Kozhikode, Malappuram, Palghat, Trichur, Ernakulam, Idukki, Alleppey, Kottayam, Quilon and Trivandrum.

This Notification is intended to achieve the above object.

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ERRATUM TO NOTICE UNDER SECTION 9(5) OF K. L. A. ACT

No. LA3, 1074/80/B/XII. *8th June* 1984.

In the particulars of land under section 9(5) of K. L. A. Act, 1961 (21 of 1962) published in Kerala Gazette Extraordinary No. 410 dated 18-5 1984 in the entries against for 1888/9, (dry land) extent 0 45.59 hectares read 1888/9 (dry land) extent "1 45.59" hectares.

1984 മേയ് മാസം 18-ാം തീയതിയിലെ 410-ാം നമ്പർ അസാധാരണ ഗസററിൽ പ്രസിദ്ധീകരിച്ച 1961-ലെ സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21) 9(5) വകുപ്പു പ്രകാരം പുറപ്പെടുവിച്ച ഭൂമിയുടെ വിവരത്തിൽ സർവ്വെ 1888/9-ന്റെ (പുരയിടം) വിസ്തീർണ്ണം 0 45.59 ഹെക്ടർ എന്നതിനുപകരം 1888/9-ന്റെ (പുരയിടം) വിസ്തീർണ്ണം 1.45.59 എന്ന് തിരുത്തി വായിക്കേണ്ടതാണ്.

(Sd.)
Special Tahsildar,
L. A. (N. H.).

Kazhakkuttom.

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